

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF JERON BROWN § No. 390, 2010
FOR A WRIT OF MANDAMUS §

Submitted: July 20, 2010
Decided: August 11, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This 11th day of August 2010, upon consideration of the petition of Jeron Brown for an extraordinary writ of mandamus, it appears to the Court that:

(1) The petitioner, Jeron Brown, seeks to invoke the original jurisdiction of this Court to issue a writ of mandamus to compel the Delaware Department of Correction to reduce the length of his incarceration due to merit credits that Brown has earned for his participation in certain rehabilitation and work programs while incarcerated. The State of Delaware has filed a response and motion to dismiss Brown's petition. Without addressing the merits of Brown's arguments, we find that his petition manifestly fails to invoke the original jurisdiction of this Court. Accordingly, the petition must be dismissed.

(2) This Court has authority to issue a writ of mandamus only when the petitioner can demonstrate a clear right to the performance of a duty, no

other adequate remedy is available, and the trial court arbitrarily failed or refused to perform its duty.¹ An extraordinary writ will not be issued if the petitioner has another adequate and complete remedy at law to correct the act of the trial court that is alleged to be erroneous.² More importantly, the Court's jurisdiction to issue an extraordinary writ is limited to instances when the respondent is a court or judge thereof.³ In this case, the Court has no original jurisdiction to issue a writ of mandamus directed to the Department of Correction.

NOW, THEREFORE, IT IS ORDERED that Brown's petition for a writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice

¹ *In re Bordley*, 545 A.2d 619, 620 (Del. 1988).

² *Canaday v. Superior Court*, 116 A.2d 678, 682 (Del. 1955).

³ *In re Hitchens*, 600 A.2d 37, 38 (Del. 1991).